IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 19545 of 2007(B)

AGAINST THE ORDER IN EA 527/2007. IN EP.361/2006 of SUB COURT,THALASSERY

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PETITIONER:

K.T.MUHAMMED,KANNOTH TALIPARAMBAN, S/O.MANNU,AGED 60 YEARS,FARS MANZIL,ULLYIL P.O., CHAVASSERI,THALASSER TALUK,KANNUR DISTRICT.

BY ADV. SRI.H.BADARUDDIN
SRI.C.A.JOSEPH

RESPONDENTS:

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1. **I.C.D.S LTD MANIPAL REPRESENTED BY ITS POWER OF ATTORNEY HOLDER,K.M.RAJADAS, S/O.KRISHNA DAS,LATTEX JUNCTION,KANNUR P.O.,**

2. **K.P.BASHEER,S/O.MAMMUTTY, KUTTIPRON HOUSE,ULIYIL P.O., CHAVASSERI,THALASSERI TALUK, KANNUR DISTRICT.**

BY ADV. SRI.S.R.DAYANANDA PRABHU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.19545/2007 B

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE DOCUMENT NO.1336/03 DTD. 23/05/03.**

EXT.P2: **COPY OF THE LAND TAX RECEIPT OF THE PROPERTY FOR THE PERIOD 2006-07 DTD. 7/07/06.**

EXT.P3: **COPY OF THE ENCUMBRANCE CERTIFICATE FOR THE PERIOD 1/1/1992 TO 9/07/2006.**

EXT.P4: **COPY OF THE E.A.527/2 BEFORE THE SUB COURT, THALASSERY DTD. 11/06/07.**

/TRUE COPY/

KSS

M.N.KRISHNAN, J

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W.P.(C) No.19545 OF 2007

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Dated this the 12th day of July, 2007

JUDGMENT

This writ petition is filed seeking to stay the execution proceedings in E.P.No.361 of 2006 and to direct the Sub Court, Thalasseri to consider and pass appropriate orders on Ext.P4. The petitioner claims right over the property which was sold in auction (and it is pending delivery) by virtue of a document No.1336 of 2003 of SRO Uliyil dated 23.5.2007. Since he has raised a claim over the property and filed an application, it is only fit and proper to direct the Sub Court, Thalasseri to dispose of Ext.P4 application in accordance with law after hearing both sides within one month from today. Till Ext.P4 is disposed of, the delivery of the property shall stand deferred.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-